UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,057	07/31/2003	Hung The Dinh	AUS920030436US1	3504

34533 7590 02/01/2006

INTERNATIONAL CORP (BLF)
c/o BIGGERS & OHANIAN, LLP
P.O. BOX 1469
AUSTIN, TX 78767-1469

EXAMINER	
TRAN, QUOC A	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/631,057	DINH ET AL.	
	Examiner	Art Unit	
	Quoc A. Tran	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication: Amendment filed 11/17/2005.

2. Claims 1-33 are currently pending in this application. Applicants amended independent claims 1, 7, 12, 18, 23 and 29. Claims 1, 7, 12, 18, 23 and 29 are independent claims.

Response to Arguments

3. Applicants' arguments with respect to 103 rejection of claim 1-33 have been considered but are moot in view of the new ground(s) of rejection. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action.

Regarding to Applicants' arguments directed toward the un-amended claims (i.e. dependent claims 2-6, 8-11, 13-17, 19-22, 24-28 and 30-33). It is noted, that Kirani fairly teaches and/or suggests the claims' limitations.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> ***(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.***

5. **Claims 1-33** are rejected under 35 U.S.C. 103(a) as being unpatentable by Kirani et al. US 20020032027A1 – filed 01/11/2001(hereinafter Kirani), in view of Conning US

20040250205A1 – Provisional Application No. 60/472,867-filed 05/23/2003 (hereinafter Conning).

In regard to independent claim 1, receiving a data stream comprising an image group identifier identifying a plurality of images; and retrieving the images, from the data processing system, (Kirani at page 23 paragraphs [0230]-[0232, discloses a media spooler system, wherein the media spooler under control of the media manager for receiving and retrieving media object (e.g. digital image file) which associated with a Globally Unique Identifier (GUID) such as, part number, part size, and format (e.g., PPF format);

in response to receiving the image group identifier, however (Kirani at page 23 paragraphs [0230]-[0237], also see Fig. 11A-C, discloses a method and apparatus for distributing binary presentations within media content files, wherein the media spooler issues a request to the servers manager, inquiring about what pieces the server infrastructure currently has for this particular user--that is, what pieces have already been uploaded, which is identified by GUID and by part numbers--currently reside at the server infrastructure. Now, the media manager passes the two lists:

List one is indicating what parts--identified by GUID and by part numbers--currently reside at the server infrastructure;

List two is data structure of the server infrastructure's list may be the same as, or similar to, the capturing device's media acquisition list. However, the server infrastructure returns to the spooler information indicating the subset of data that the server does not have and thus should be extracted from the device.

Now, the media manager passes the two lists to the synchronization manager. In turn, the synchronization manager may determine exactly what parts reside on the capturing device that still need to be retrieved, such as, retrieved: GUID #2, Part #2 and GUIED #4, Part #3 (i.e., "chunks"), and the media manager may then pull the completed parts from the cache module and then pass them to the servers manager for delivery to the server infrastructure (e.g. host computer), also the part data itself is transferred as a blob object);

Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein in response to receiving the image group identifier would have been an obvious variant of processing of the media manager passes the two lists to the synchronization manager, and determine exactly what parts reside on the capturing device that still need to be retrieved, such as, retrieved: GUID #2, Part #2 and GUIED #4, Part #3 (i.e., "chunks" identifier), and the media manager may then pull the completed parts from the cache module and then pass them to the servers manager for delivery to the server infrastructure (e.g. host computer), to a person of ordinary skill in the art at the time the invention was made.

Kirani does not explicitly teach, **the data stream comprising a document structured by markup elements having attributes,** however (Conning at page 2 paragraph (0018] through page 9 paragraph [0075), discloses an online photo album (HTML document) system with customizable pages, wherein the photo album images table places images into albums, and identifies what page of the album the image belongs to. The album page is identified by a number indicating the order of the page among all pages in the album, as well as by the unique

ID of the corresponding web page. Table 3 illustrates the composition of the photo album images table, according to one embodiment of the present invention

TABLE 3

photo_album_id	Unique ID of the photo album
image_id	Unique ID of the image
image_index	Position of this album page among all pages in this album.
page_id	The unique ID of the web page that corresponds to this album page.
Status	Indicates whether the record has been marked for deletion.
last_update_date	Date and time this record was last changed.

Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein in a document structured by markup elements having attributes would have been an obvious variant of Hypertext Markup Language (HTML) online photo album system with customizable pages (e.g. markup document) with the photo album images table places images into albums, and identifies what page of the album the image belongs to. The album page is identified by a number indicating the order of the page among all pages in the album, as well as by the unique ID of the corresponding web page to a person of ordinary skill in the art at the time the invention was made;

the image group identifier included in an attribute of a markup element of the document, however (Conning at page 2 paragraph (0018] through page 9 paragraph [0075), discloses an online photo album (HTML document) system with customizable pages, wherein the photo album images table places images into albums, and identifies what page of the album the image belongs to. The album page is identified by a number indicating the order of the page among all pages in the album, as well as by the unique ID of the corresponding web page. Table

3 illustrates the composition of the photo album images table, according to one embodiment of the present invention

TABLE 3

photo_album_id	Unique ID of the photo album
image_id	Unique ID of the image
image_index	Position of this album page among all pages in this album.
page_id	The unique ID of the web page that corresponds to this album page.
Status	Indicates whether the record has been marked for deletion.
last_update_date	Date and time this record was last changed.

Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein in group identifier included in an attribute of a markup element of the document would have been an obvious variant of Hypertext Markup Language (HTML) online photo album system with customizable pages (e.g. markup document) with the photo album images table places images into albums, and identifies what page of the album the image belongs to. The album page is identified by a number indicating the order of the page among all pages in the album, as well as by the unique ID of the corresponding web page to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Kirani, discloses the method of receiving a data stream comprising an image group identifier identifying a plurality of images; and retrieving the images, from the data processing system, and retrieving the images, from the data processing system, in response to receiving the image group identifier, to include a means of utilizing the data stream comprising a document structured by markup elements having attributes the image

group identifier included in an attribute of a markup element of the document of Conning's teaching. One of the ordinary skills in the art would have been motivated to perform such a modification to provide the advantage of allowing a system to resume transmission where transmission was left off at, without retransmitting pieces that have already been successfully transmitted. Additionally, this has the benefit of adopting a different packet format, thereby decreasing the high overhead incurred with using TCP/IP packet format (as taught by Kirani at page 2 paragraph [0016]).

In regard to independent claims 7, 12, 18, 23 and 29 incorporate substantially similar subject matter as cited in claim 1 above, and in further view of the following, and is similarly rejected along the same rationale, **server...client...storing images on a server...recorded on the recording medium...** (Kirani at the Abstract, discloses client server system, also Kirani '027 at page 20 paragraph [237], discloses the Remote Procedure Calls Command Description Query Stored Photos Query the database on the server for a list of photos currently stored for a camera and/or user account; also Kirani '027 at page 5 paragraph [0077], discloses those skilled in the art will appreciate that the present invention may be embodied using other media capturing/recording/processing devices, including, for instance, digital audio recorders, video phones, closed-circuit cameras, video camcorders, or other devices capable of capturing, recording, and/or processing digital images, audio, and/or video and not limitation),

the image group identifier derived from an attribute of a markup element of a document on the client, however (Conning at page 2 paragraph (0018] through page 9 paragraph [0075), discloses an online photo album (HTML document) system with customizable

pages, wherein the photo album images table places images into albums, and identifies what page of the album the image belongs to and further discloses the server computer executes a web publishing and image serving process, which allows the user to upload photos from the client computer, organize the photos into album pages in which each album page is a fully customizable web page that is composed using web publishing tools. The album page is identified by a number indicating the order of the page among all pages in the album, as well as by the unique ID of the corresponding web page. Table 3 illustrates the composition of the photo album images table, according to one embodiment of the present invention

TABLE 3

photo_album_id	Unique ID of the photo album
image_id	Unique ID of the image
image_index	Position of this album page among all pages in this album.
page_id	The unique ID of the web page that corresponds to this album page.
Status	Indicates whether the record has been marked for deletion.
last_update_date	Date and time this record was last changed.

Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein in image group identifier derived from an attribute of a markup element of a document on the client would have been an obvious variant of, user uploading photos from the client computer, organize the photos into album pages in which each album page is a fully customizable web page that is composed using web publishing tools Hypertext Markup Language (HTML) online photo album system with customizable pages (e.g. markup document) with the photo album images table places images into albums, and identifies what page of the album the image belongs to. The album page is identified by a number indicating the order of the

page among all pages in the album, as well as by the unique ID of the corresponding web page to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Kirani, discloses the method of receiving a data stream comprising an image group identifier identifying a plurality of images; and retrieving the images, from the data processing system, and retrieving the images, from the data processing system, in response to receiving the image group identifier, to include a means of utilizing the data stream comprising a document structured by markup elements having attributes the image group identifier included in an attribute of a markup element of the document and the image group identifier derived from an attribute of a markup element of a document on the client of Conning's teaching. One of the ordinary skills in the art would have been motivated to perform such a modification to provide the advantage of allowing a system to resume transmission where transmission was left off at, without retransmitting pieces that have already been successfully transmitted. Additionally, this has the benefit of adopting a different packet format, thereby decreasing the high overhead incurred with using TCP/IP packet format (as taught by Kirani at page 2 paragraph [0016]).

In regard to dependent claim 2 incorporate substantially similar subject matter as cited in claim 7 above, and is similarly rejected along the same rationale.

In regard to dependent claim 3, incorporate substantially similar subject matter as cited in claim 7 above, and in further view of the following, and is similarly rejected along the same rationale,

markup in the data stream (Kirani at page 20 paragraph [0202], discloses the xml component in the client server infrastructure) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein a markup element that represents an instruction would have been an obvious variant of xml component in the client server infrastructure, to a person of ordinary skill in the art at the time the invention was made.

In regard to dependent claim 4, incorporate substantially similar subject matter as cited in claim 7 above, and in further view of the following, and is similarly rejected along the same rationale,

the data stream comprises a markup element that represents an instruction to retrieve (Kirani at page 20 paragraph [0202], discloses the xml component in the client server infrastructure) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein a markup element that represents an instruction would have been an obvious variant of xml component in the client server infrastructure, to a person of ordinary skill in the art at the time the invention was made.

In regard to dependent claim 8, incorporate substantially similar subject matter as cited in claim 7 above, and in further view of the following, and is similarly rejected along the same rationale,

BLOB (Kirani at page 18 paragraph [0178], discloses the image information is simply organized into a single blob (binary large object).

In regard to dependent claim 9, incorporate substantially similar subject matter as cited in claim 7 above, and in further view of the following, and is similarly rejected along the same rationale,

storing a pathname for each file (Kirani '027 at page 17, paragraph [0173], discloses the file format stores housekeeping information about the layers, using a layer directory. Each layer itself is stored, in a preferred embodiment, as a separate record, such as a separate physical file in a flash file system. The layer directory includes an entry for each layer record; the entry includes the name of the accompanying a physical file (text string) and length of the file (numeric value). Each record, such as record 630, includes a record header (e.g., record header 631) for storing housekeeping information about that particular record) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein a pathname would have been an obvious variant of directory includes an entry for each layer record; the entry includes the name of the accompanying a physical file (text string) and length of the file (numeric value), to a person of ordinary skill in the art at the time the invention was made.

In regard to dependent claims 5, 6, 10, 13, 16, 20 and 21, incorporate substantially similar subject matter as cited in claim 7 above, and are similarly rejected along the same rationale.

In regard to dependent claim 11, incorporate substantially similar subject matter as cited in claim 4 above, and is similarly rejected along the same rationale.

In regard to dependent claims 14, 15, 17 and 22, incorporate substantially similar subject matter as cited in claims 4 and 7 above, and are similarly rejected along the same rationale.

In regard to dependent claim 19, incorporate substantially similar subject matter as cited in claim 8 above, and is similarly rejected along the same rationale.

In regard to dependent claims 24, 25, 26, 27, 28 and 33, incorporate substantially similar subject matter as cited in claims 4, 7 and 23 above, and are similarly rejected along the same rationale.

In regard to dependent claim 30, incorporate substantially similar subject matter as cited in claim 8 above, and is similarly rejected along the same rationale.

In regard to dependent claim 31, incorporate substantially similar subject matter as cited in claim 9 above, and is similarly rejected along the same rationale.

In regard to dependent claim 32, incorporate substantially similar subject matter as cited in claim 23 above, and is similarly rejected along the same rationale.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
Technology Center 2176
January 26, 2006

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
1/29/2006